

1 Hon. Ronald B. Leighton  
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9 IN THE UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON  
11 AT TACOMA

12 IN THE MATTER OF MOUSSA SYLLA, A# 93-436-832, ) No. MC08-5009-RBL  
13 ) ORDER EXTENDING  
14 ) ORDER GRANTING MOTION TO  
15 ) PROVIDE INVOLUNTARY MEDICAL CARE,  
16 ) NUTRITION AND HYDRATION FOR INMATE  
17 )

18 The Department of Homeland Security, Immigration and Customs Enforcement (hereafter  
19 “ICE”) has requested an order extending the Order Granting Emergency Ex-Parte Motion to  
20 Provide Involuntary Medical Care, Nutrition and Hydration for Inmate dated May 13, 2008, in  
21 the above-captioned matter (Dkt. No. 5). The inmate in question, Moussa Sylla (A# 93-436-  
22 832), is currently incarcerated as a civil detainee at the Northwest Detention Center in Tacoma,  
23 Washington. Based on information submitted by ICE, I find that there is sufficient cause to  
believe that without a continuation of the requested medical testing and treatment, Mr. Sylla is in  
danger of irreparable injury and possible death. Mr. Sylla’s current hunger strike poses a serious  
medical risk to himself.

24 A review of the applicable law reveals that ICE has an affirmative statutory and  
25 constitutional duty to care for and treat inmates in its custody. This Court has inherent authority  
26 to issue an Order requiring ICE to undertake this affirmative duty, which includes provision of  
27 forced feeding with plastic tubes through the nasal passage and/or by intravenous means. Such  
28 treatment should be limited to that which is medically necessary for Mr. Sylla.

ORDER GRANTING EMERGENCY EX-PARTE MOTION  
TO PROVIDE INVOLUNTARY MEDICAL CARE,  
NUTRITION AND HYDRATION TO INMATE - 1

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1 Therefore, IT IS HEREBY ORDERED that ICE may continue to undertake the medical  
2 procedures and treatment described the Order Granting Emergency Ex-Parte Motion to Provide  
3 Involuntary Medical Care, Nutrition and Hydration for Inmate dated May 13, 2008 (Dkt. No. 5)  
4 until May 30, 2008, or until such procedures are no longer medically necessary, whichever  
5 occurs sooner.

6 It is further ORDERED that ICE shall provide a copy of this order to Mr. Sylla forthwith.

7 It is further ORDERED that the Government shall file a status report on or before May  
8 29, 2008, updating the Court as to Mr. Sylla's medical condition, at which time the Court will  
9 consider whether to extend the duration of said order.

10 DATED this 20<sup>th</sup> day of May, 2008.

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13 RONALD B. LEIGHTON  
14 UNITED STATES DISTRICT JUDGE

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17 Presented by:

18 JEFFREY C. SULLIVAN  
19 United States Attorney

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ORDER GRANTING EMERGENCY EX-PARTE MOTION  
TO PROVIDE INVOLUNTARY MEDICAL CARE,  
NUTRITION AND HYDRATION TO INMATE - 2

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